

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

KAREN BACKUES KEIL,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 5:18-CV-06074-BP
)	
MHM SERVICES, INC., <i>et al.</i> ,)	
)	
Defendants.)	

Defendant's Petition for Writ of Habeas Corpus ad Testificandum

Defendant Edward Bearden requests this Court to issue a Writ of Habeas Corpus ad Testificandum for Delila Clay. In support, Defendant states:

1. Plaintiffs filed this action under 42 U.S.C. §1983, alleging that Defendant Bearden sexually assaulted each of them at Chillicothe Correctional Center.
2. Trial in this matter is set to begin the week of April 25, 2022, and to continue through April 29, 2022.
3. At trial, Defendant Bearden intends to present testimony from Ms. Clay, who shared a cell and worked in the recreation building at Chillicothe Correctional Center with Ms. Keil.
4. This Court has the authority and discretion to issue a writ of habeas corpus ad testificandum where an inmate-witness's testimony is

relevant and necessary to the pending action. *See* 28 U.S.C. §§ 1651(a) and 2241(c)(5).

5. Delila Clay, offender number 1008213, is currently confined at Chillicothe Correctional Center.
6. Ms. Clay worked in the recreation building with Ms. Keil, and Ms. Keil has identified Ms. Clay as a witness to a sexually inappropriate incident with Mr. Bearden. Mr. Bearden expects that Ms. Clay will testify that she did not witness anything sexual or physical occur between Mr. Bearden and Ms. Keil when she worked or even lived with Ms. Keil.

For these reasons, Defendant Bearden respectfully requests that the Clerk of Court be directed to issue a certified Writ of Habeas Corpus ad Testificandum commanding the Missouri Department of Corrections, Chillicothe Correctional Center, Warden Chris McBee, to produce Delila Clay offender number 1008213, in the United States District Courthouse in Kansas City, Missouri, on Thursday, April 28, 2022, and continuing for such time as necessary.

Respectfully submitted,

ERIC S. SCHMITT
Attorney General

/s/ Nicolas Taulbee
Nicolas Taulbee

Missouri Bar Number 61065
Assistant Attorney General
615 East 13th Street, Suite 401
Kansas City, Missouri 64106
Telephone: (816) 889-5000
Facsimile: (816) 889-5006
Email: Nicolas.Taulbee@ago.mo.gov
Attorneys for Defendant Bearden

Certificate of Service

I hereby certify that on April 11, 2022, I filed the foregoing electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Nicolas Taulbee
Assistant Attorney General